

S/N 10/675,818

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KNUDSON ET AL. Examiner: REIDEL, J.  
Serial No.: 10/675,818 Group Art Unit: 3766  
Filed: SEPTEMBER 29, 2003 Docket No.: 14283.1USI2  
Title: ENTERIC RHYTHM MANAGEMENT

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 on October 25, 2006.

*Elizabeth Q. Tauer*  
Elizabeth Q. Tauer

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL  
DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

Petitioner, EnteroMedics Inc., a corporation organized and existing under the laws of the State of Minnesota and having its primary place of business at 2800 Patton Road, St, Paul, Minnesota, 55113, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/675,818, filed on September 29, 2003 and entitled ENTERIC RHYTHM MANAGEMENT ("present application"), by virtue of our assignment recorded at Reel 014970, Frame(s) 0774.

Petitioner, EnteroMedics Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as shortened by any terminal disclaimer filed prior to the grant of any patent granted from co-pending applications, U.S.

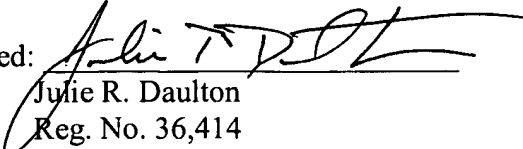
Patent Application Serial No. 10/674,324, filed on September 29, 2003, and entitled Enteric Rhythm Management, U.S. Patent Application Serial No. 10/756,176, filed on January 12, 2004, and entitled Obesity and Eating Disorder Stimulation Treatment with Neural Block, U.S. Patent Application Serial No. 11/192,750, filed on July 29, 2005, and entitled Methods for Treating Gastrointestinal Disorders and hereby agree that any patent so granted on the present application 10/675,818 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on the co-pending applications, this agreement to run with any patent granted on the present application 10/675,818 and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the present application that would extend to the full statutory term as shortened by any terminal disclaimer filed prior to the patent grant on any of the co-pending applications, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

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Date: 10-25-06

Signed:   
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